

PCT/USA NATIONAL DECLARATION AND POWER OF ATTORNEY
FOR U.S. PATENT APPLICATIONS
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
UNDER 35 U.S.C. SECTION 371(c)(4)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention described and claimed in international application No. PCT/FR97/02592 entitled: ABSORBABLE COMPOSITION CONTAINING PROPIONIC BACTERIA CAPABLE OF RELEASING NITRIC OXIDE IN THE HUMAN OR ANIMAL ALIMENTARY CANAL, and as amended on _____ (if any), which I have reviewed, and I understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above and for which I solicit a patent; that I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention or discovery thereof, or more than one year prior to my international application; that this invention was not in public use or on sale in the United States of America for more than one year prior to my international application; that this invention has not been patented or made the subject of an inventor's certificate issued before the date of my international application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months before my international application; that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application; and that prior to filing said international application, applications for patent or inventor's certificate on this invention or discovery which have been filed by me or my legal representatives or assigns in any country foreign to the United States of America are as follows:

(a) none filed more than 12 months prior to said international application, unless named below:

(b) earliest filed less than 12 months prior to said international application (the priority of which is hereby claimed under 35 U.S.C. Section 365):

96/15977 filed December 24, 1996 in France
97/00885 filed January 28, 1997 in France

I hereby claim the benefit under Title 35, United States Code, §120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)

(Filing Date)

(Status)(patented, pending, abandoned)

As a named inventor, I hereby appoint John F. Hoffman, Regis. No. 26,280; Anthony Niewyk, Regis. No. 24,871; Kevin R. Erdman, Regis. No. 33,687; Michael D. Smith, Regis. No. 40,181; Michael C. Bartol, Regis. No. 44,025; Arthur R. Whale, Regis. No. 18,778; Edward J. Prein, Regis. No. 37,212; James D. Hall, Regis. No. 24,893 and Ken C. Decker, Regis. No. 25,422; of BAKER & DANIELS, as attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from Anthony Niewyk as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from who instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

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